

REMARKS/ARGUMENTS

The present claims relate to a method for tillering promotion of lawn grass, comprising: applying at least one amino acid selected from the group consisting of arginine, glutamine and proline onto the surfaces of the leaves of lawn grass; and applying inosine to the subterranean part(s) of the lawn grass.

The rejection of Claims 8, 13-19, and 22 under 35 U.S.C. §102(e) in view of EP Application No. 1 095 565 (Miyazawa et al EP) is respectfully traversed on the ground that this reference is not prior art against the present application under 35 U.S.C. §102(e). Specifically, Miyazawa et al EP is a published European patent application, while 35 U.S.C. §102(e) only relates to issued U.S. patents and published U.S. patent applications. Since Miyazawa et al EP is neither an issued U.S. patent nor a published U.S. patent application, this reference is not available as prior art under 35 U.S.C. §102(e).

Moreover, Miyazawa et al EP was published on May 2, 2001. Thus, Miyazawa et al EP is only available as prior art as of its publication date, May 2, 2001. In contrast, the present application claims priority to Japanese Patent Application No. 358705/2000, which was filed in Japan on November 27, 2000. Applicants are hereby perfecting their claim of priority by filing herewith a certified English translation of Japanese Patent Application No. 358705/2000. Thus, the present claims are entitled to a priority date of November 27, 2000.

Since Miyazawa et al EP is only available as prior art as of its publication date, May 2, 2001, and since the present claims are entitled to a priority date of November 27, 2000, Miyazawa et al EP is also not available as prior art under 35 U.S.C. §§102(a) or (b).

Accordingly, the rejection should be withdrawn.

Lastly, Applicants are filing herewith an Information Disclosure Statement to correct a typographical on the Form PTO 1449 filed on January 25, 2002. Specifically, reference AP was inadvertently identified as WO 91/00009. As clearly indicated on the European Search

Report, also filed on January 25, 2002, Reference AP should have properly been identified as WO 94/00009. Although a copy of WO 94/00009 was submitted on January 25, 2002, for the Examiner's convenience, Applicants are submitting another copy herewith. The remaining references cited in the Information Disclosure Statement correspond to Reference AW on the Form PTO 1449 filed on January 25, 2002, and Reference AW on the Form PTO 1449 filed on February 7, 2002.

Applicants submit that the application is now in condition for allowance, and early notification of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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Stephen G. Baxter, Ph.D.  
Attorney of Record  
Registration No. 32,884

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413-2220  
(OSMMN 08/03)